

Raising the Lower Age of Juvenile Court Jurisdiction: A Data Analysis

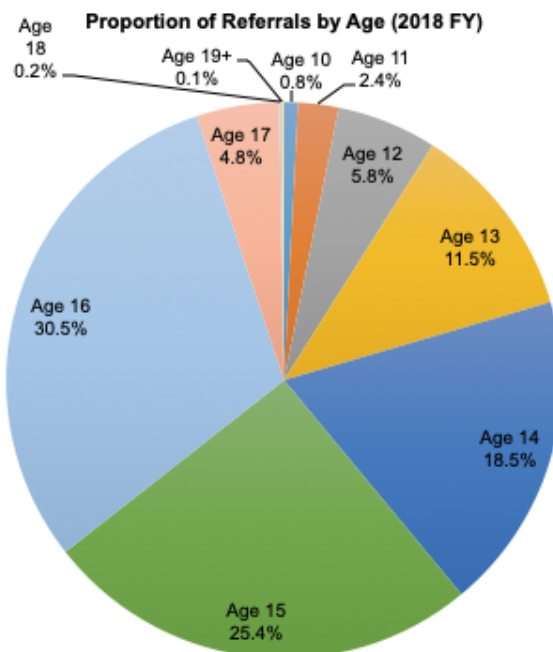
Raise the Lower Age

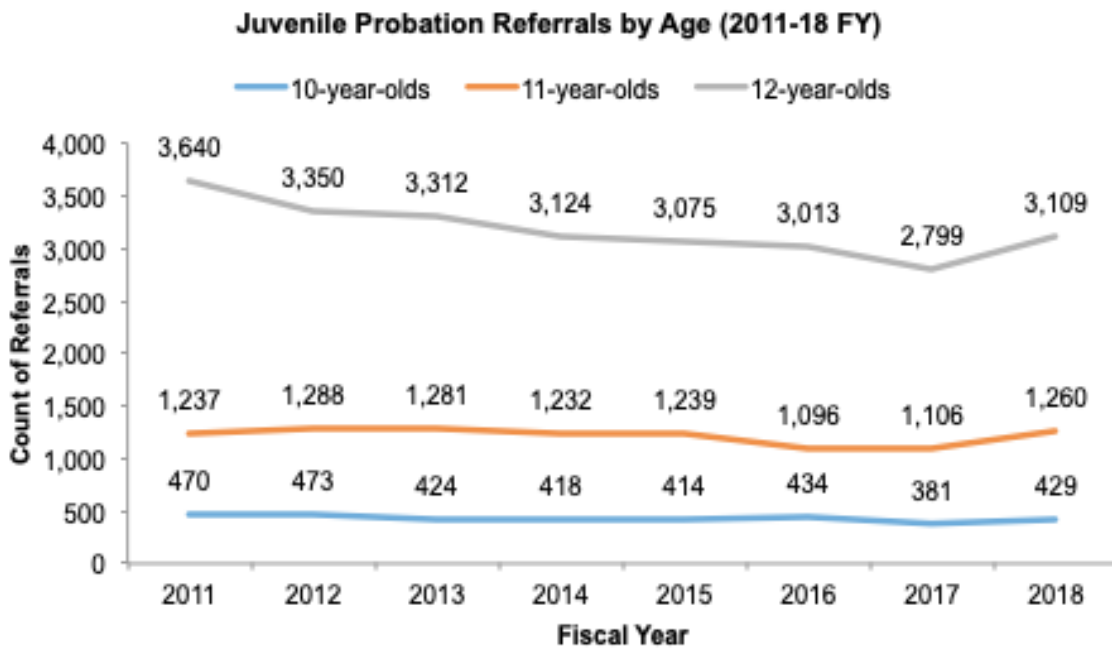


Research indicates that children younger than 13 lack the capacity to stand trial in most casesⁱ, and the juvenile setting is at least as likely to make youth worse rather than betterⁱⁱ. The following figures summarize juvenile referrals, detentions, placements, and commitments from the 2011 to 2018 fiscal years, showing that there are very few youth aged 10-12 in juvenile system and many are in the system for low level offense. Data were obtained through open records requests to the Texas Juvenile Justice Department pursuant to the Texas Public Information Act.

Referrals

The majority of referrals are for youth older than 12, which account for 91% of all referrals in 2018. From 2011 to 2018 there were, on average, 430 probation referrals for 10-year-olds, 1,217 probation referrals for 11-year-olds, and 3,178 probation referrals for 12-year-olds. For 10- and 12-year-olds there has been a decrease in referrals from 2011 to 2018 (a 9% and 15% decrease, respectively). For 11-year-olds, there has been a slight increase (by 2%) in referrals.





Detentions

The majority of detentions are for youth older than 12, accounting for 92% of all detentions in 2018. From 2011 to 2018, there were, on average, 150 pre-adjudication detentions for 10-year-olds, 423 pre-adjudication detentions for 11-year-olds, and 1,108 pre-adjudication detentions for 12-year-olds. Overall, there was a 5% decrease in the number of 10- to 12-year-olds in detention from 2011 to 2018. For 10- and 12-year-olds, there has been a decrease in the number of pre-adjudication detentions (5% decrease and 8% decrease, respectively) from 2011 to 2018. There was a 3% increase in pre-adjudication detentions for 11-year-olds from 2011 to 2018.

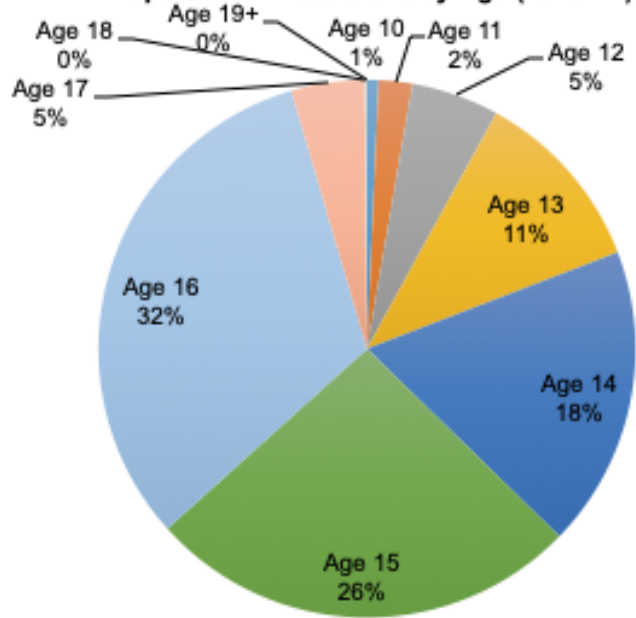


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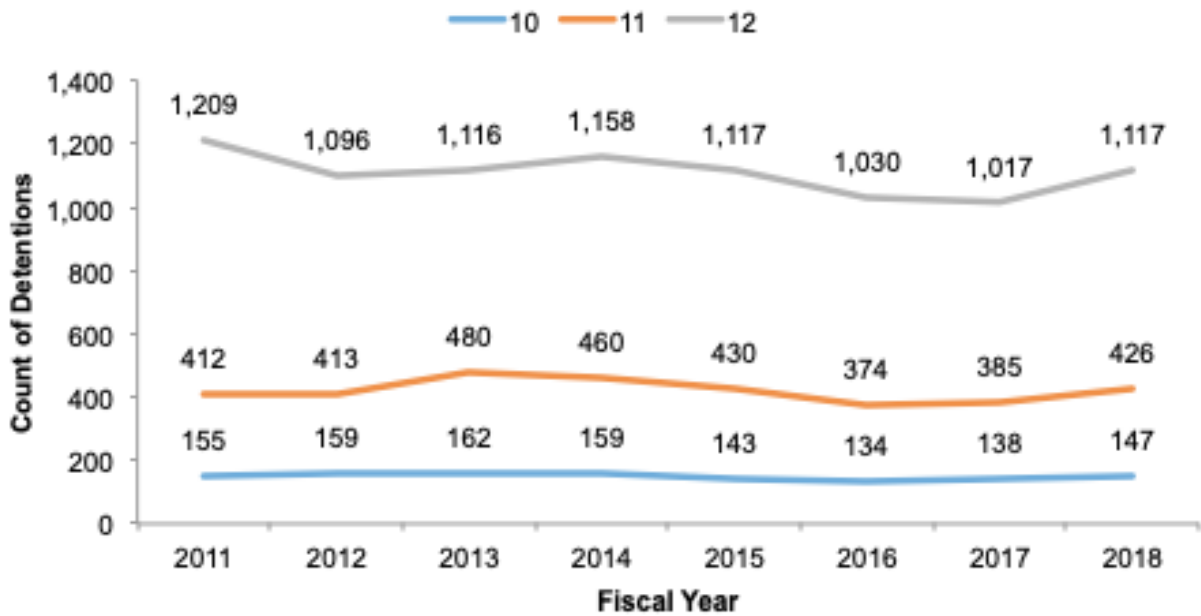
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Proportion of Detentions by Age (2018 FY)



Juvenile Detentions by Age (2011-2018 FY)

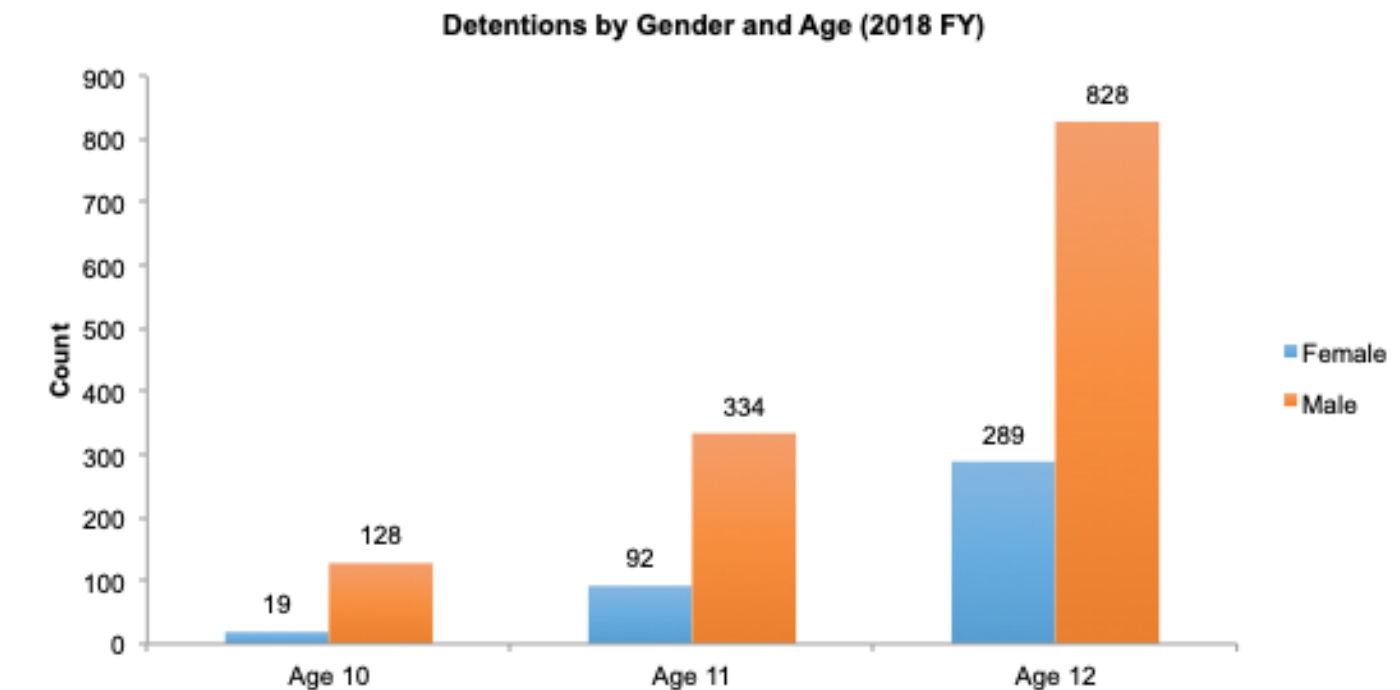
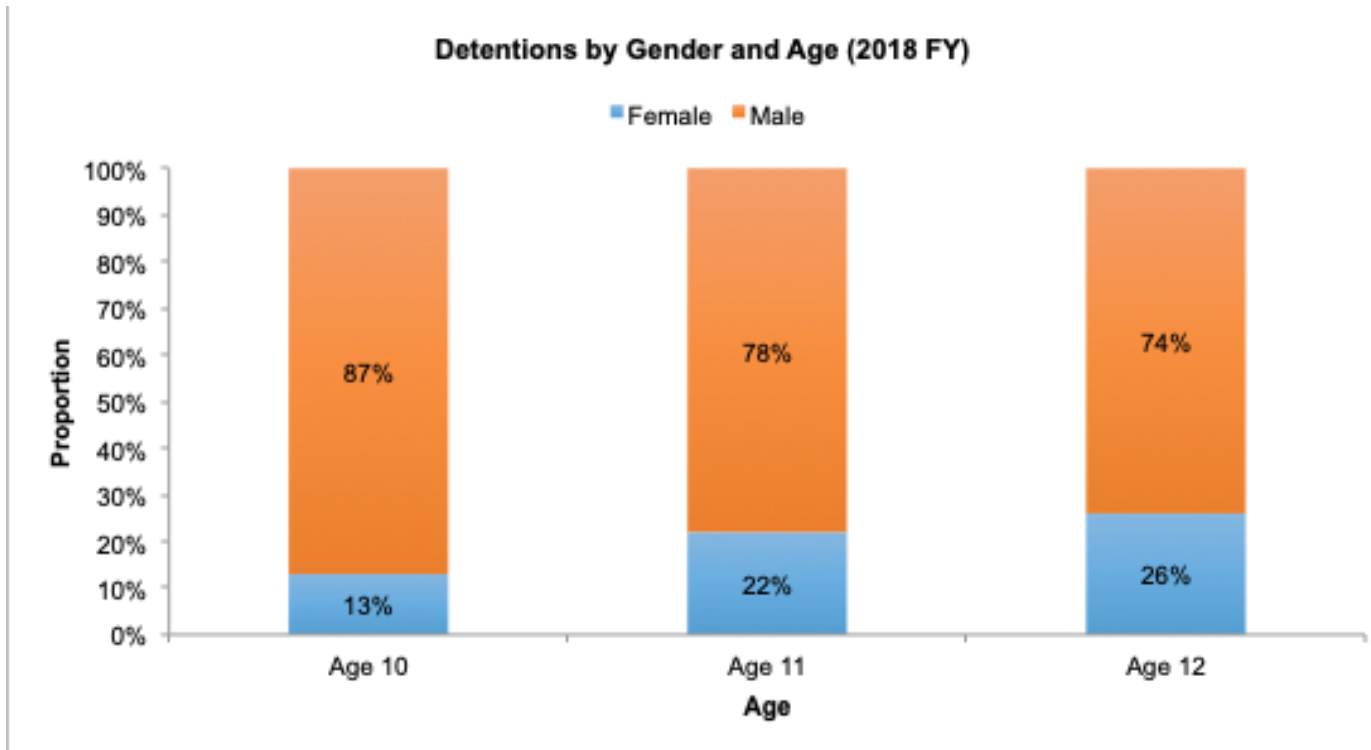


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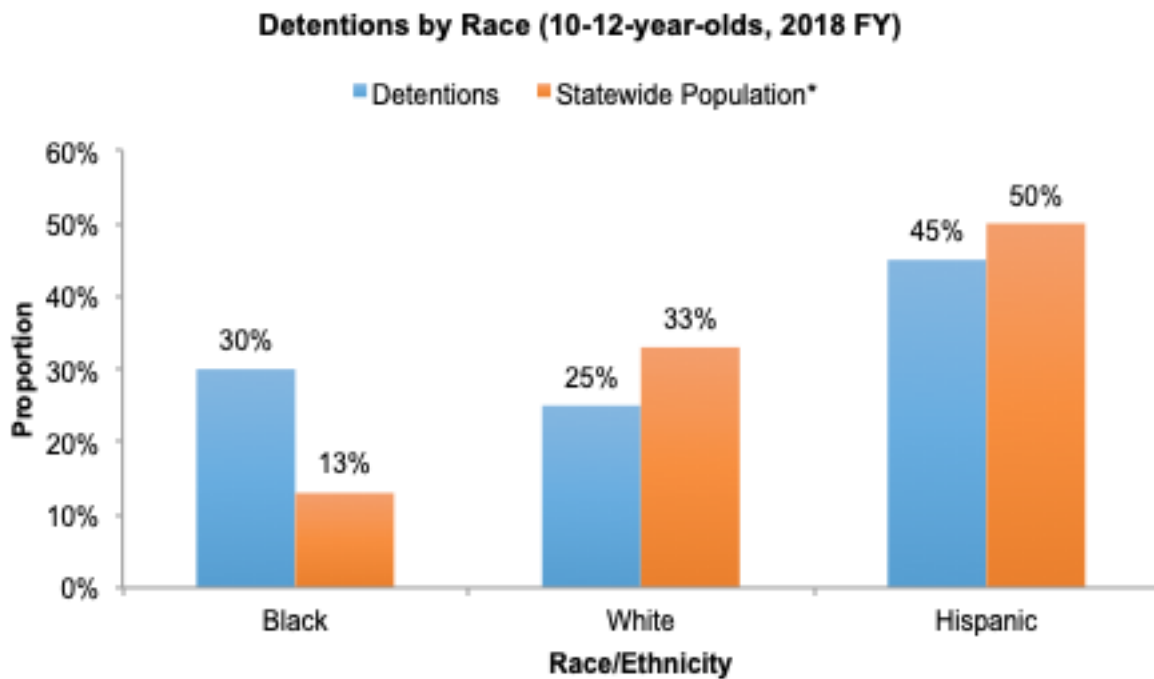
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Demographics

Gender. In 2018, most 10- to 12-year-olds who were in pre-adjudication detention were male (76%).



Race/Ethnicity. Most 10- to 12-year-olds in pre-adjudication detention were Hispanic (45%). There is an over-representation of Black youth in pre-adjudication detention: Black youth account for 30% of 10- to 12-year-olds in detention, though they represent only 13% of the 10- to 12-year-old populationⁱⁱⁱ.



*Note: Juvenile population reflects 2017 data.

Detentions by Race/Ethnicity and Age (2018 FY)

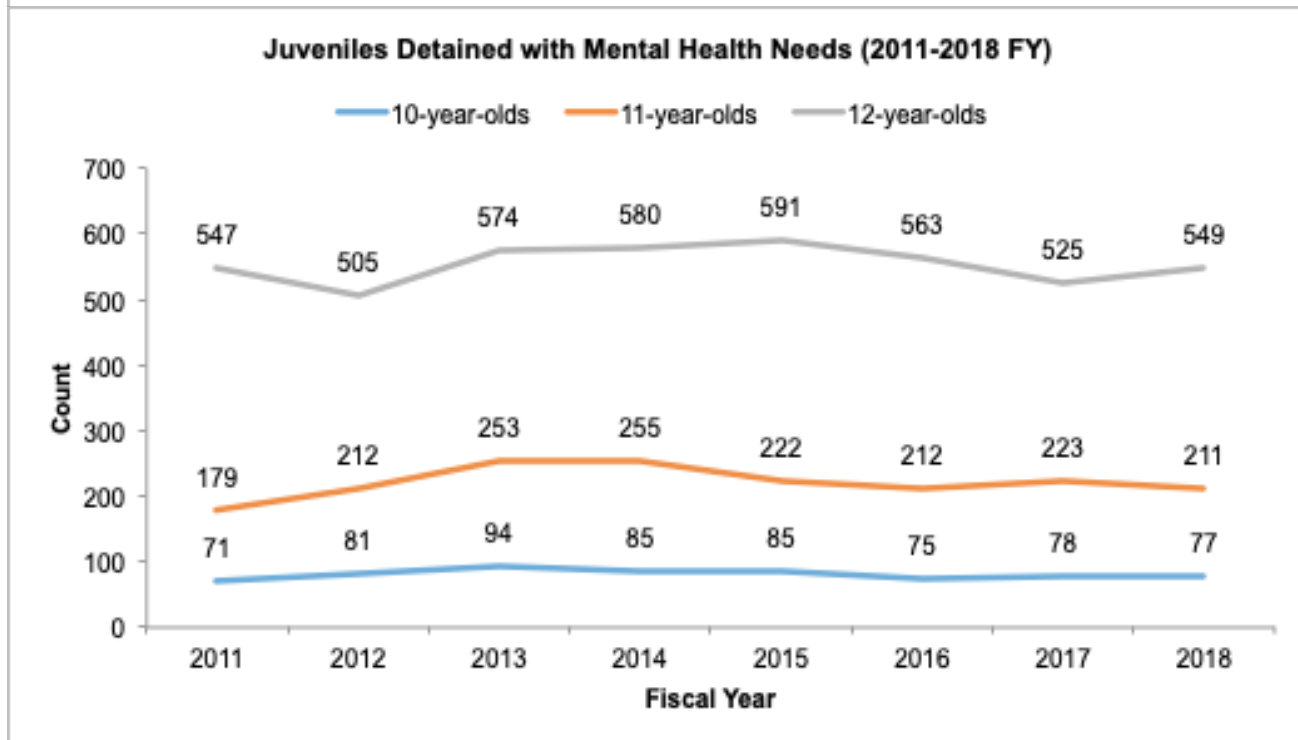
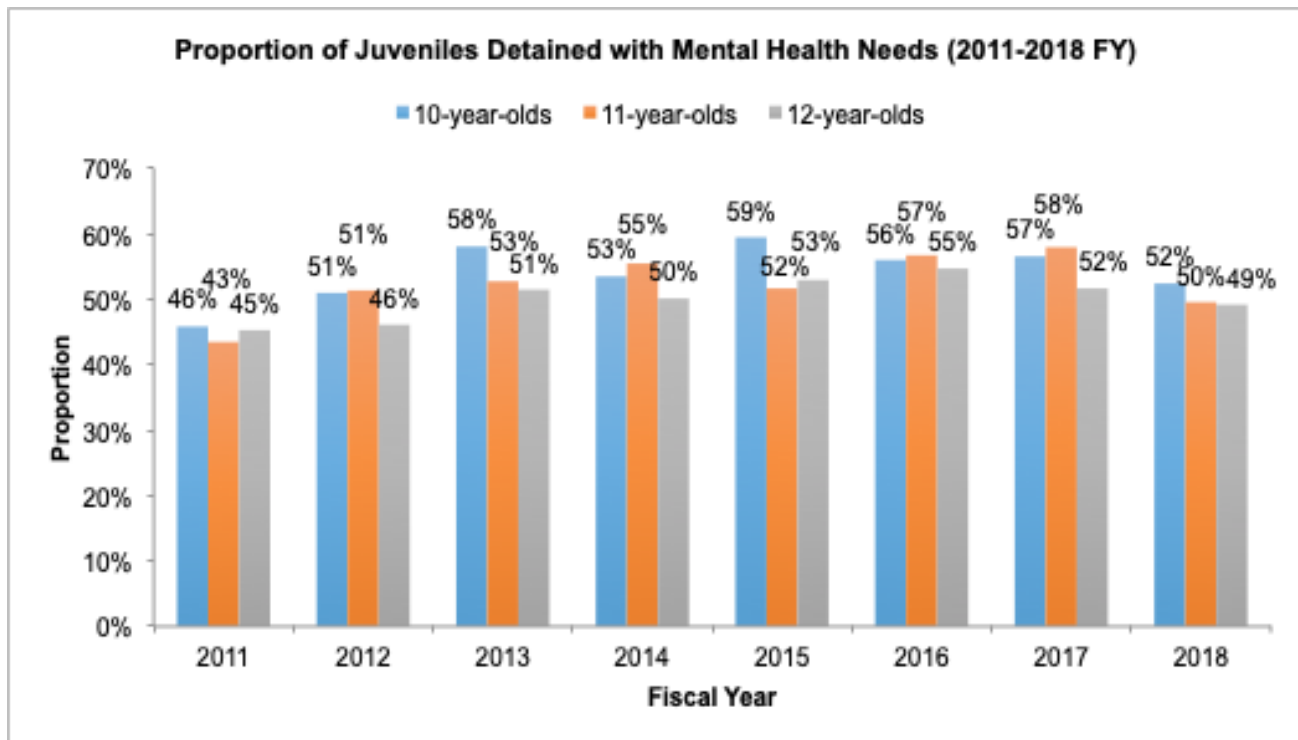
Race/Ethnicity	10-year-olds	11-year-olds	12-year-olds
Black	52 (35%)	128 (30%)	326 (29%)
White	45 (31%)	116 (27%)	254 (23%)
Hispanic	49 (33%)	178 (42%)	526 (47%)



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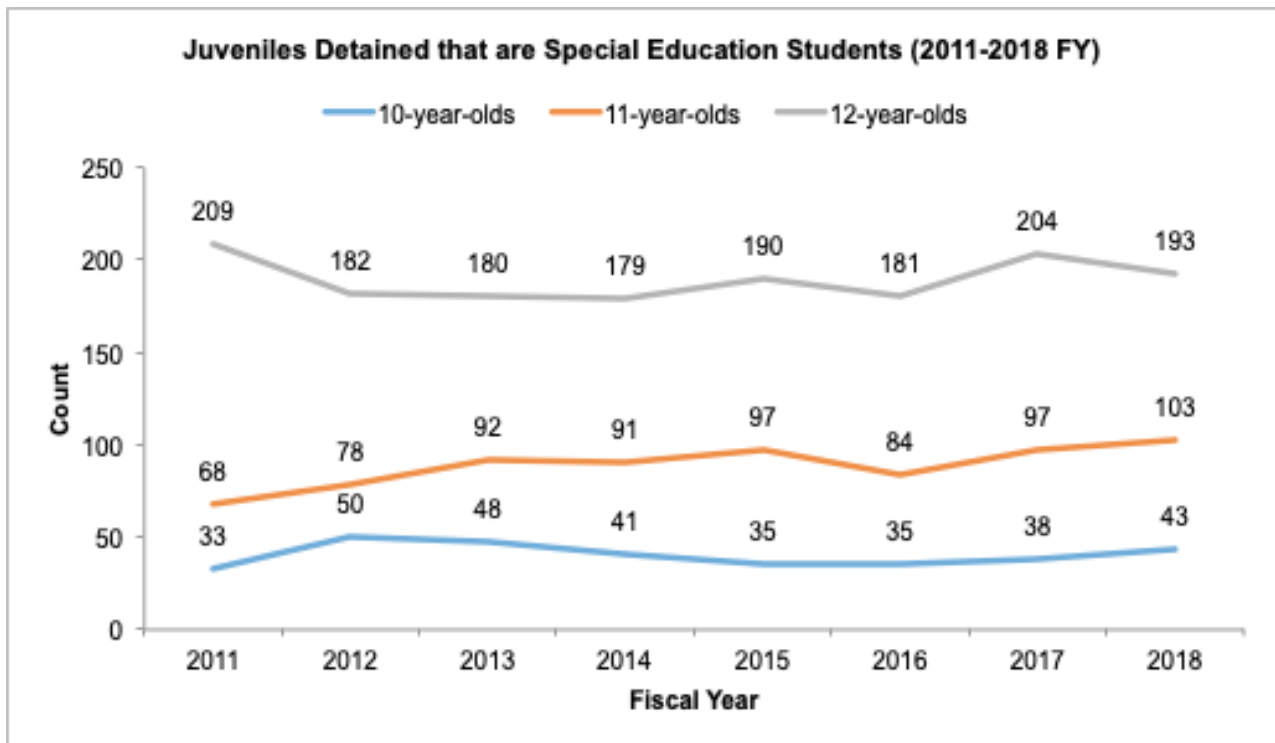
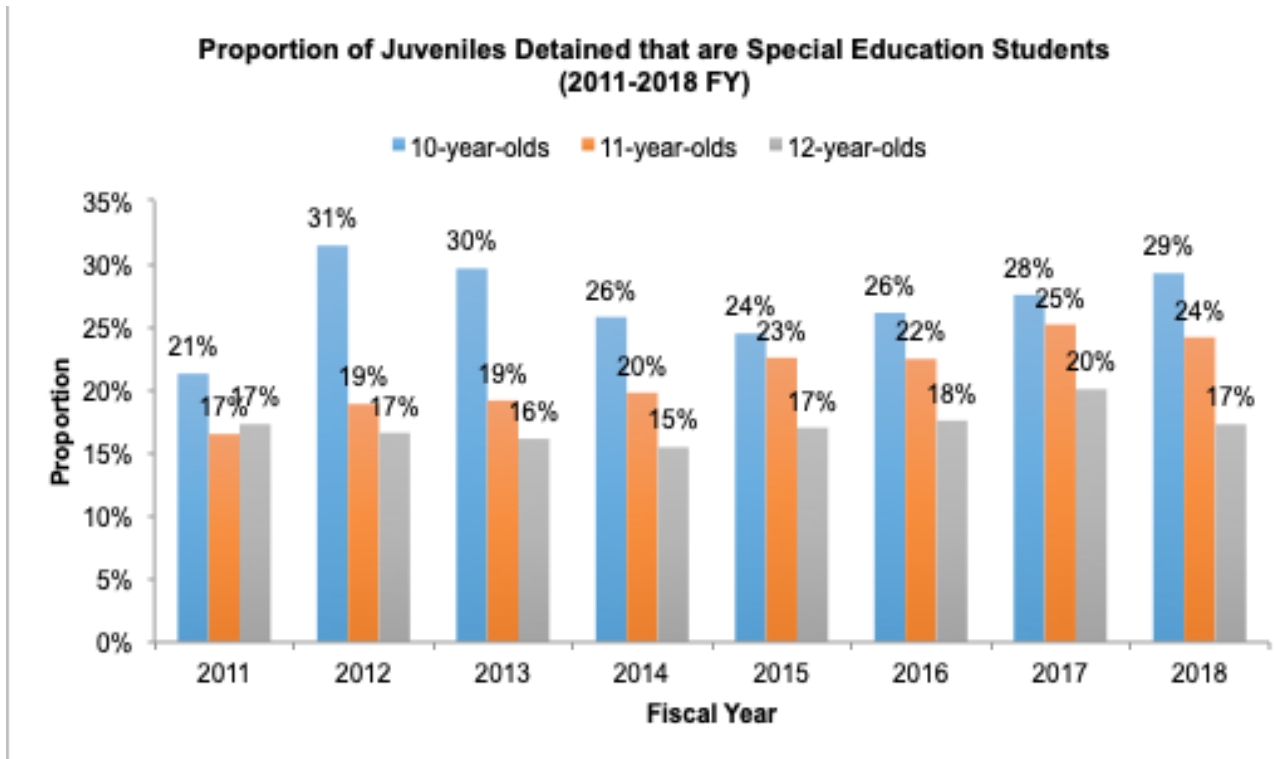
Mental Health Needs. Half of the 10- to 12-year-olds in detention in 2018 had mental health needs. From 2011-2018 there were, on average, 81 10-year-olds in, 221 11-year-olds, and 554 12-year-olds in detention with mental health needs.



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Special Education Status. In 2018, 20% of 10- to 12-year-olds that were detained were special education students. On average, there were 40 10-year-olds, 89 11-year-olds, and 190 12-year-olds in detention that were special education students.

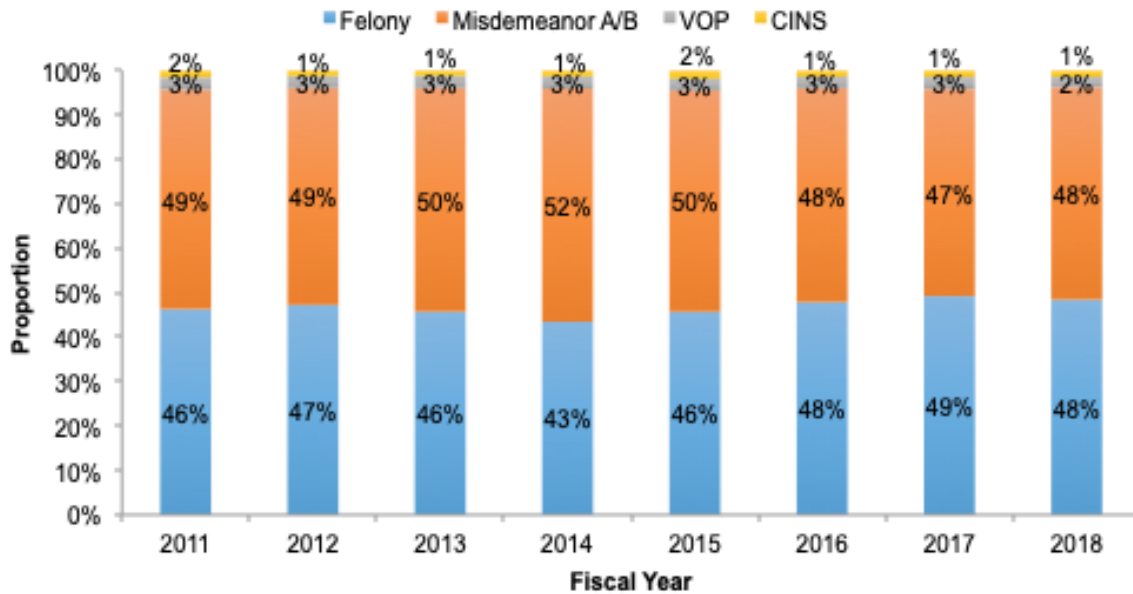


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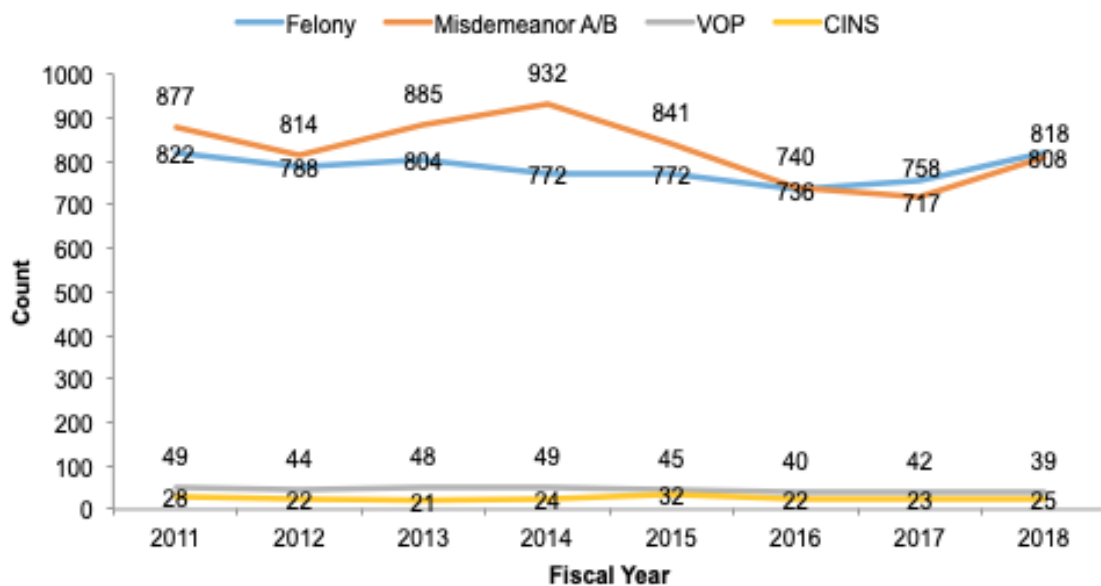
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Offense. In 2018, most 10- to 12-year-olds were detained for either a felony (48%) or a Class A or B misdemeanor (48%). From 2011 to 2018, there was an 8% decrease in misdemeanors, 20% decrease in violations of probation, and an 11% decrease in CINS offenses for 10- to 12-year-olds. Felony offenses have remained relatively stable from 2011 to 2018, with only a 0.5% decrease in felony offenses for 10- to 12-year-olds.

Offenses Leading to Detention (10-12-year-olds, 2011-2018 FY)



Offenses Leading to Detention (10-12-year-olds, 2011-2018 FY)

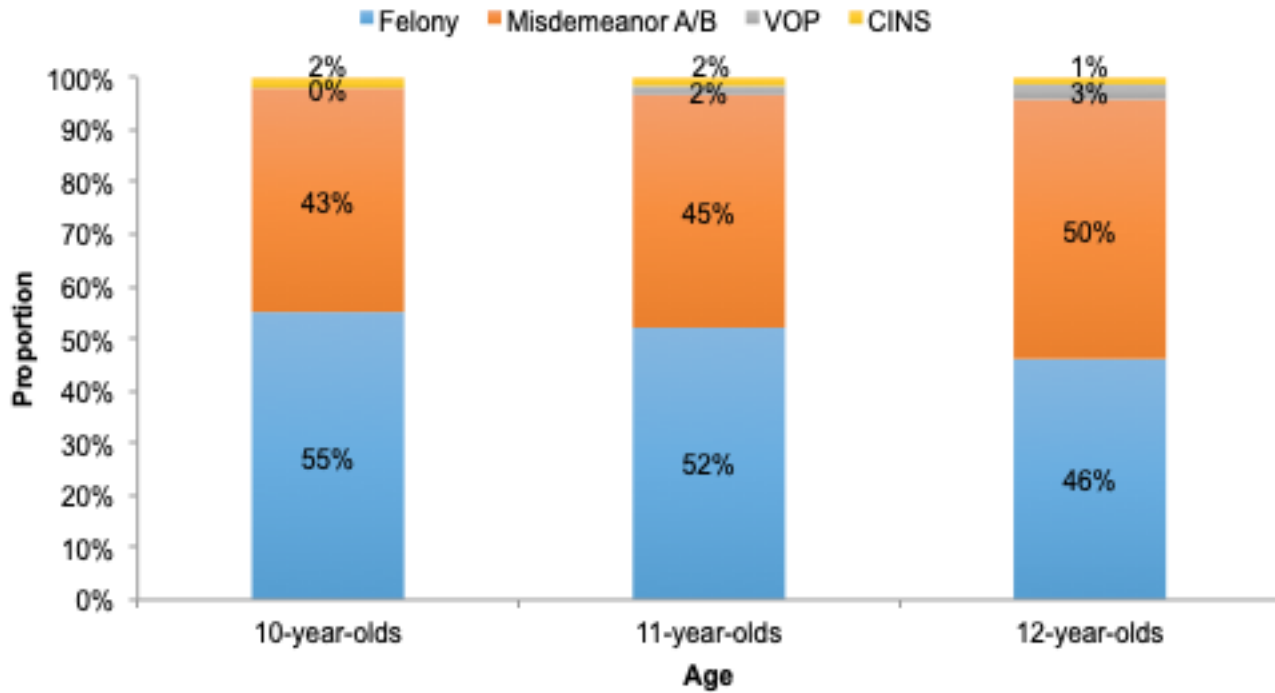


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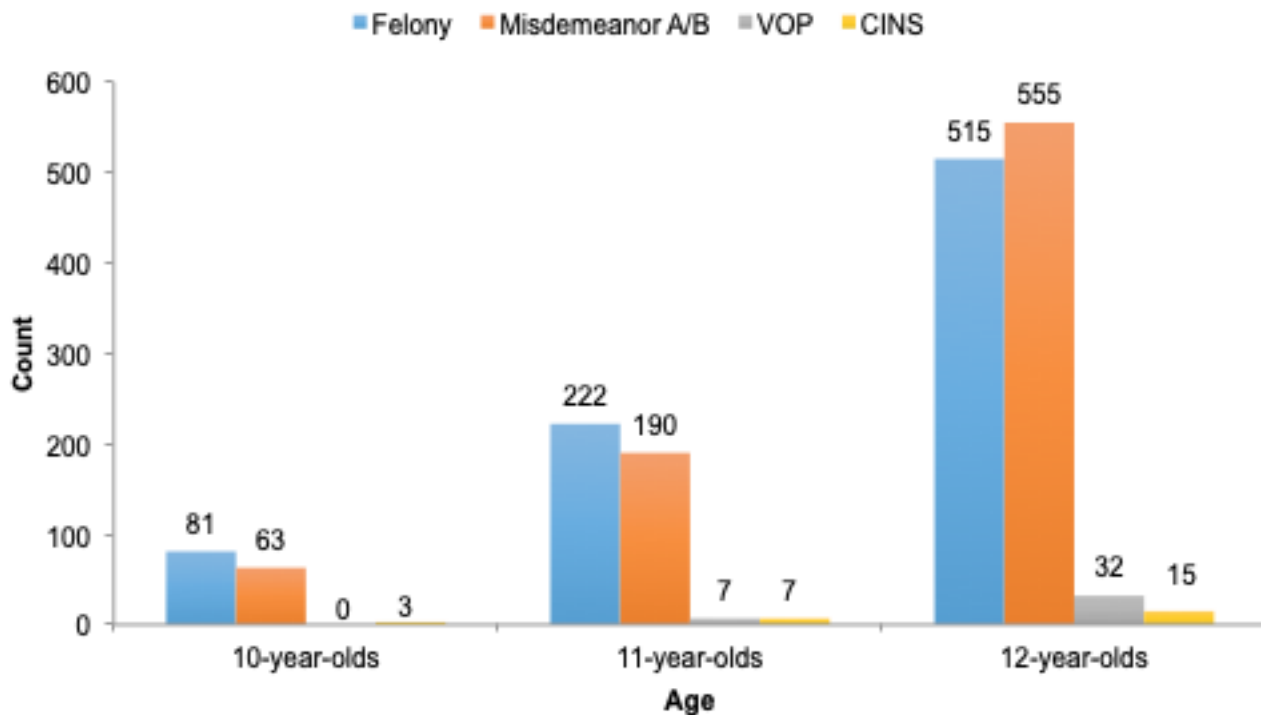
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Offenses Leading to Detention by Age (2018 FY)



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By County. Harris County had the highest number of 10- to 12-year-olds in detention in 2018, accounting for 12% of all 10- to 12-year-olds.

Top Counties with the Highest Number of 10- to 12-year-olds Detained (2018 FY)

Rank	County	Count (%)*
1	Harris	200 (12%)
2	Dallas	132 (8%)
3	Brazoria	80 (5%)
4	Bexar	73 (4%)
5	Tarrant	71 (4%)
6	Lubbock	57 (3%)
7	Hidalgo	55 (3%)
8	Denton	54 (3%)
9	Collin	53 (3%)
10	Galveston	47 (3%)
10	Williamson	47 (3%)

*Percentage calculated out of 1,690 10- to 12-year-olds detained in 2018



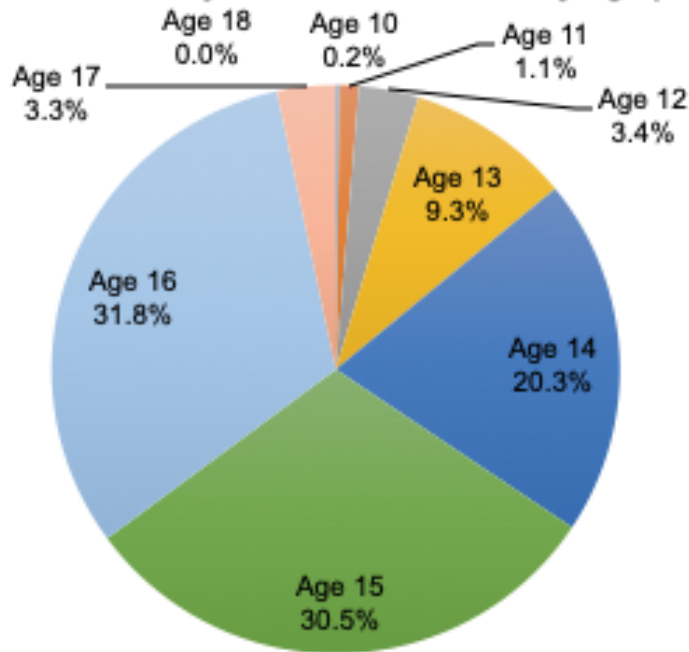
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Placements

The majority of youth in post-adjudication facilities are older than 12, accounting for 95% of all youth in post-adjudication facilities in 2018. On average, from 2011 to 2018, there were 10 10-year-olds in post-adjudication facilities, 47 11-year-olds in post-adjudication facilities, and 167 12-year-olds in post-adjudication facilities. From 2011-2018, there was a 20% decrease in youth aged 10-12 placed in post-adjudication facilities, which was driven entirely by the decrease in 12-year-olds placed in post-adjudication facilities.

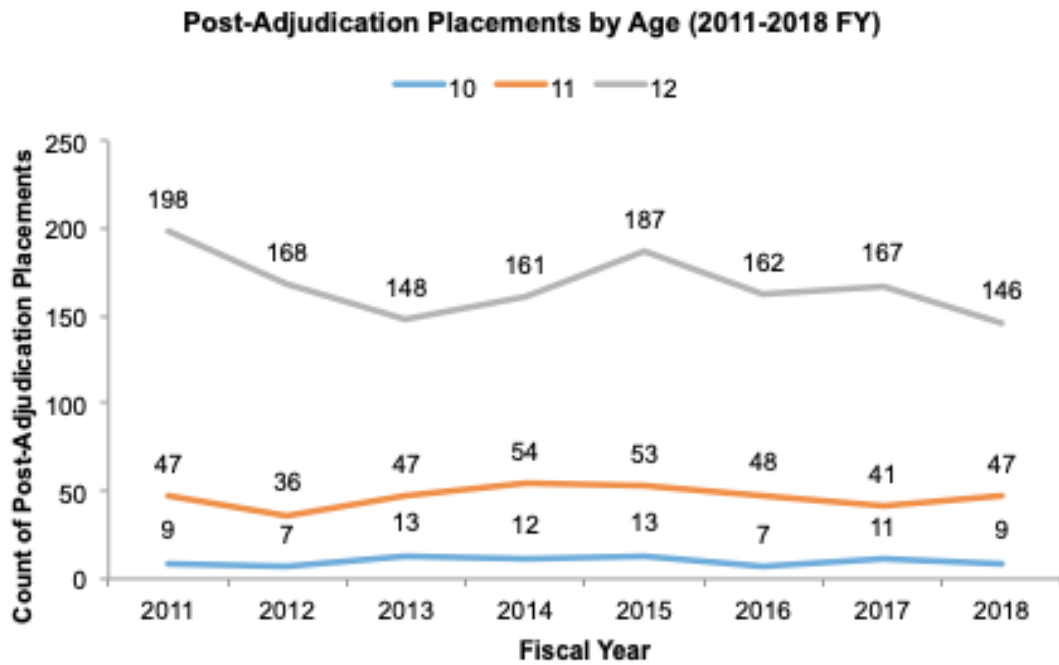
Proportion of Post-Adjudication Placements by Age (2018 FY)



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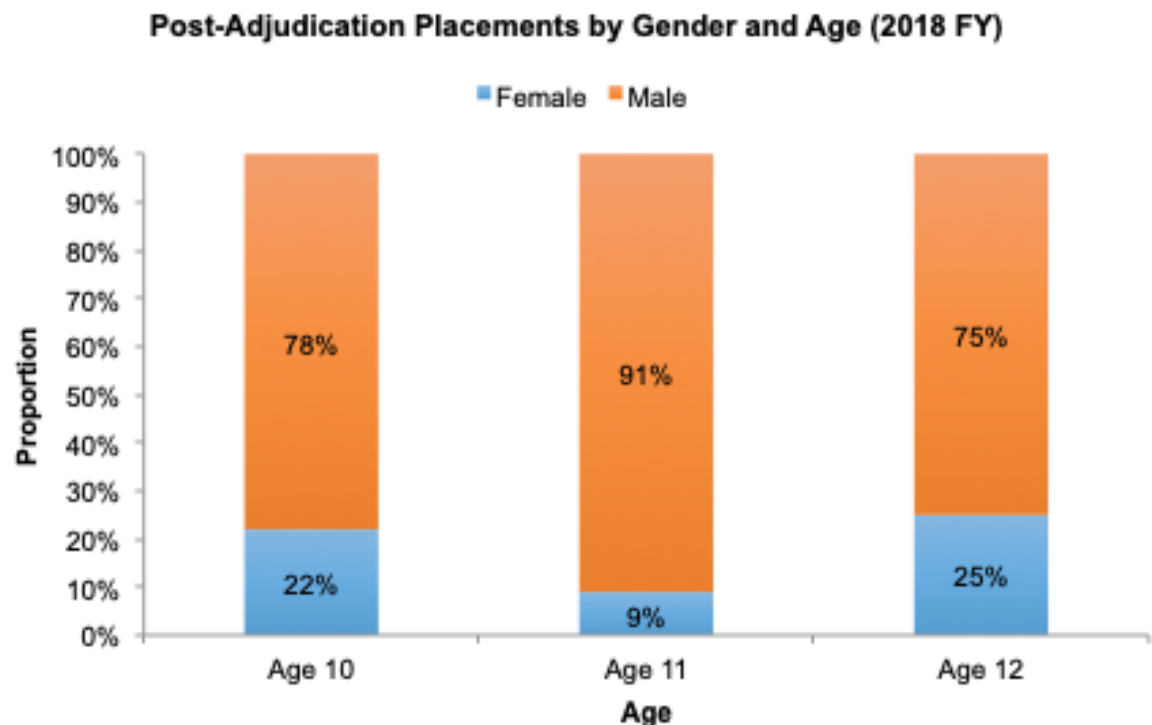
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Demographics

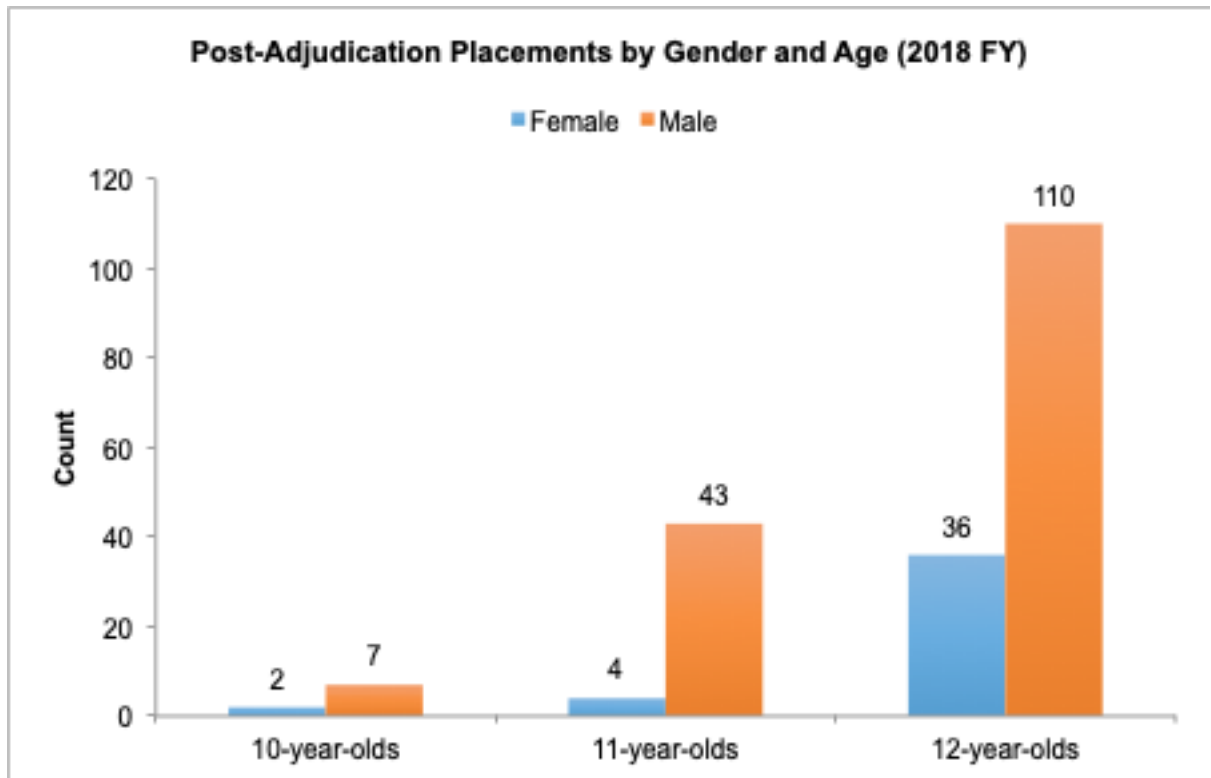
Gender. Most 10- to 12-year-old youth in post-adjudication placements are boys (79%).



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Race/Ethnicity. Most 10- to 12-year-olds in post-adjudication placements are Hispanic (46%). There is an over-representation of Black youth aged 10-12 in post-adjudication placements: Black youth account for 31% of placements but just 13% of the 10- to 12-year-old population statewide^{iv}.

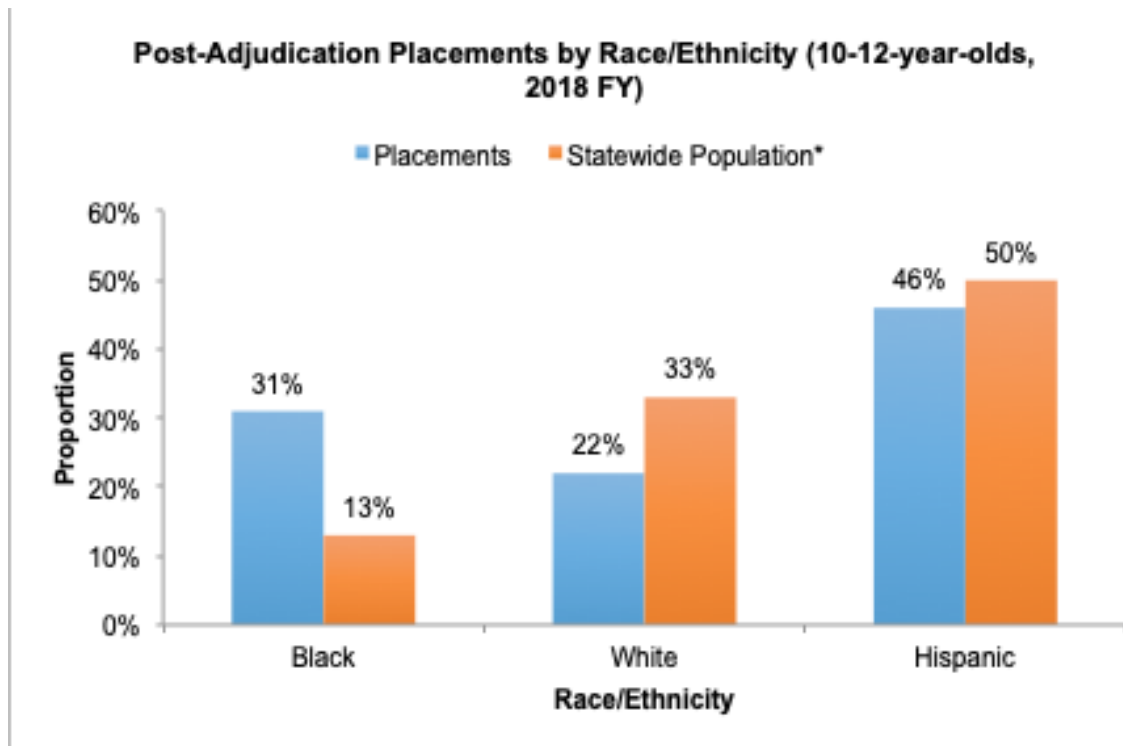
Post-Adjudication Placements by Race/Ethnicity and Gender (2018 FY)

Race/Ethnicity	10-year-olds	11-year-olds	12-year-olds
Black	5 (56%)	12 (26%)	46 (32%)
White	1 (11%)	13 (28%)	32 (22%)
Hispanic	3 (33%)	22 (47%)	68 (47%)



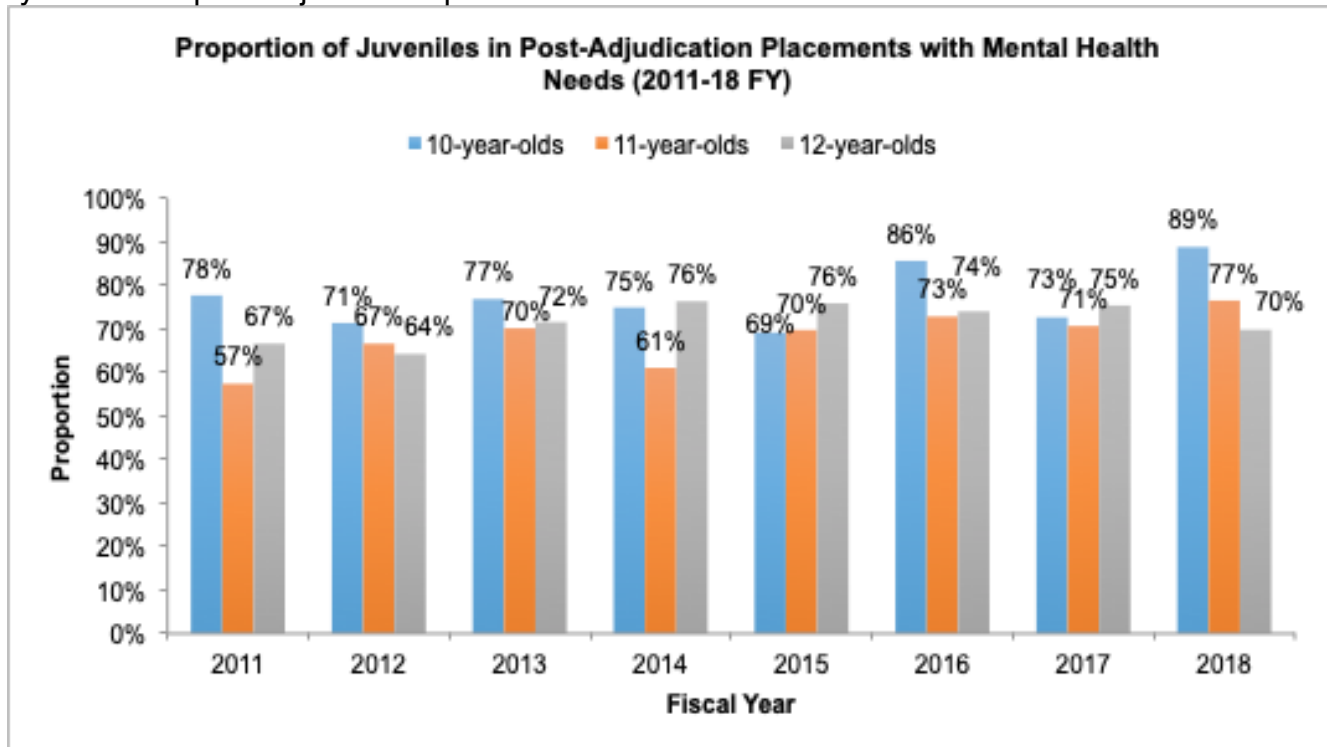
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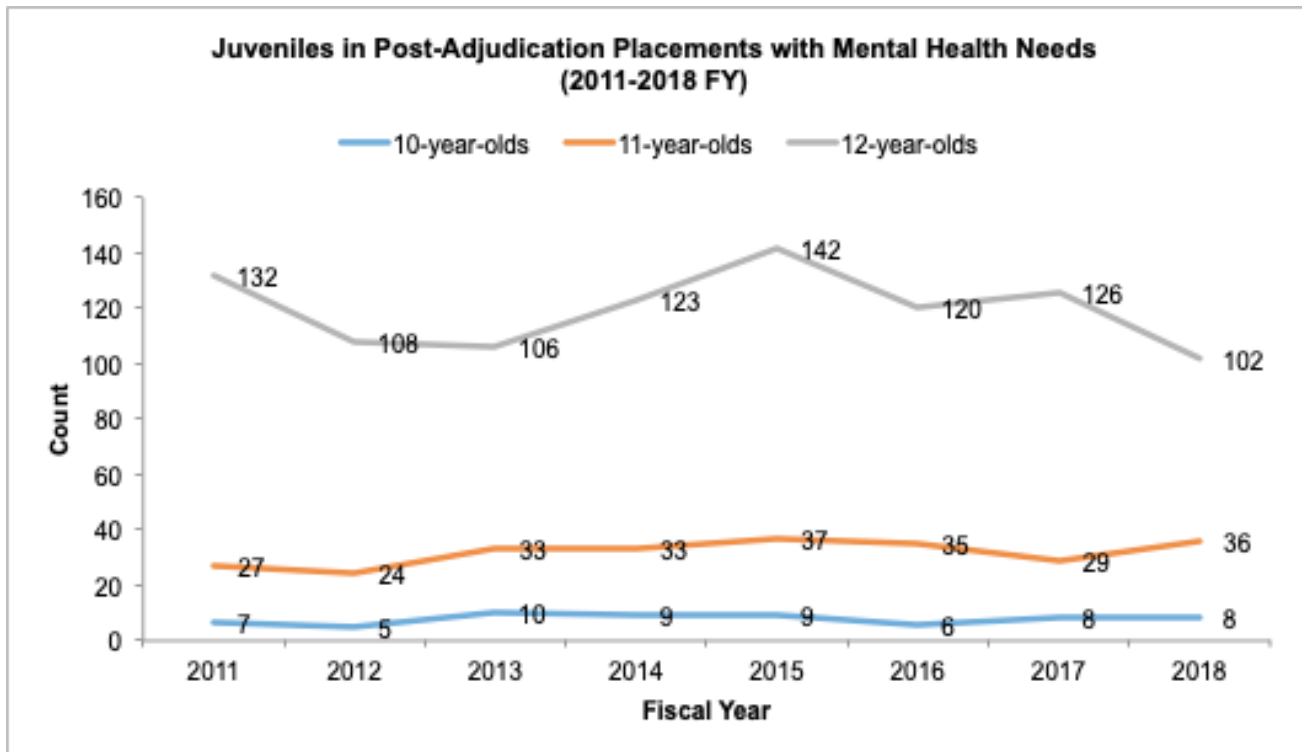
*Note: Juvenile population reflects 2017 data.

Mental Health Needs. In 2018, 72% of 10- to 12-year-old youth in post-adjudication placements had mental health needs. From 2011-2018, there were on average 8 10-year-olds, 32 11-year-olds, and 120 12-year-olds in post-adjudication placements with mental health needs.

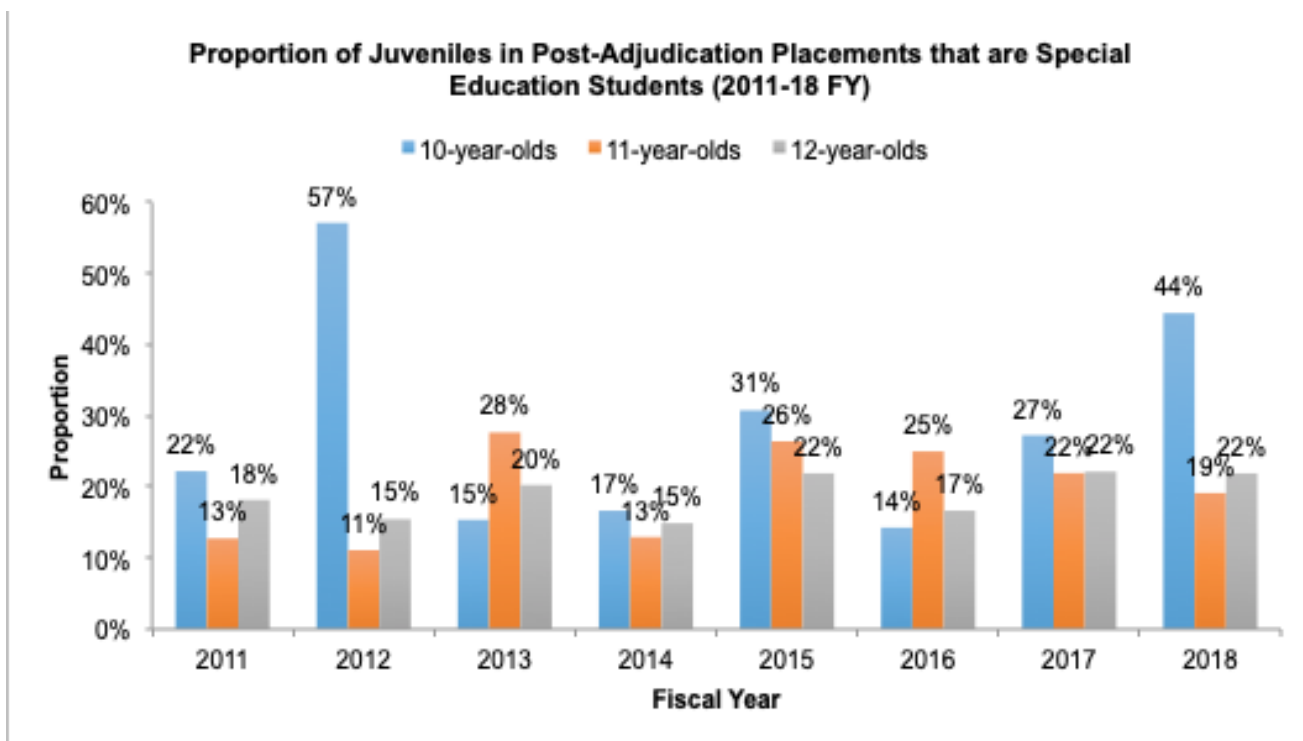


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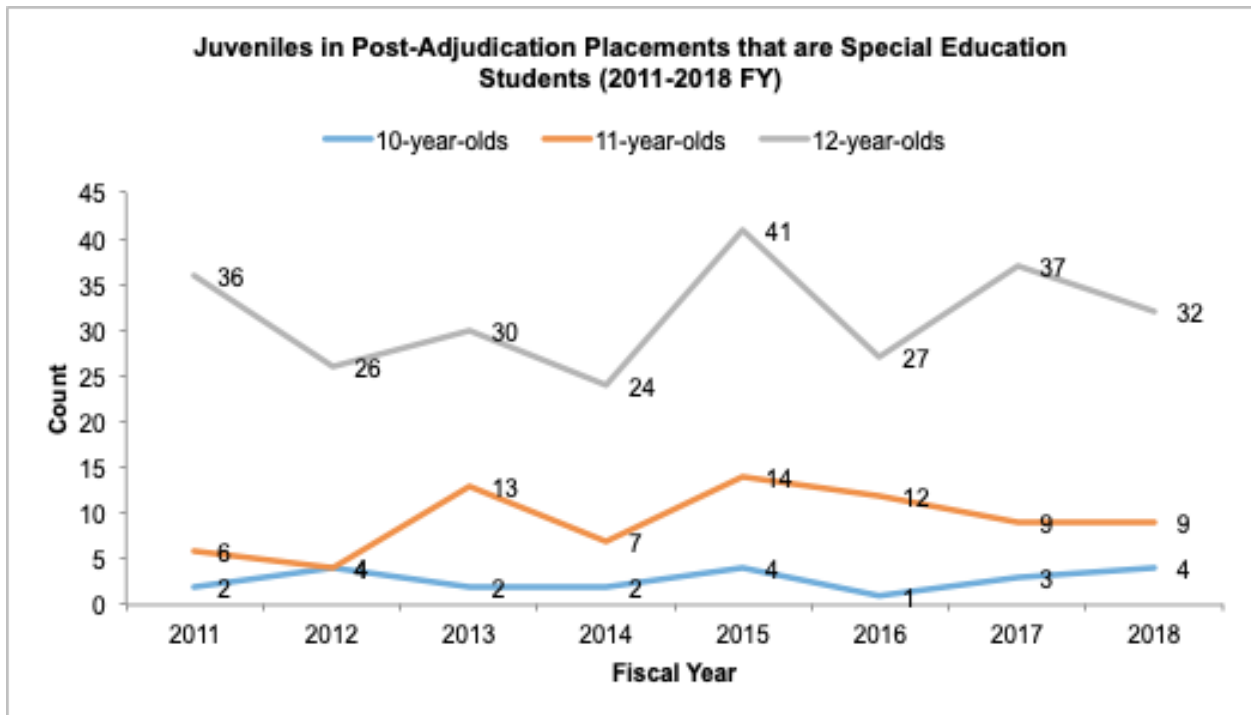


Special Education Status. In 2018, there were 45 10- to 12-year-olds in post-adjudication placements that were special education students. On average, from 2011 to 2018, there were 3 10-year-olds, 9 11-year-olds, and 32 12-year-olds in post-adjudication placements that were special education students.

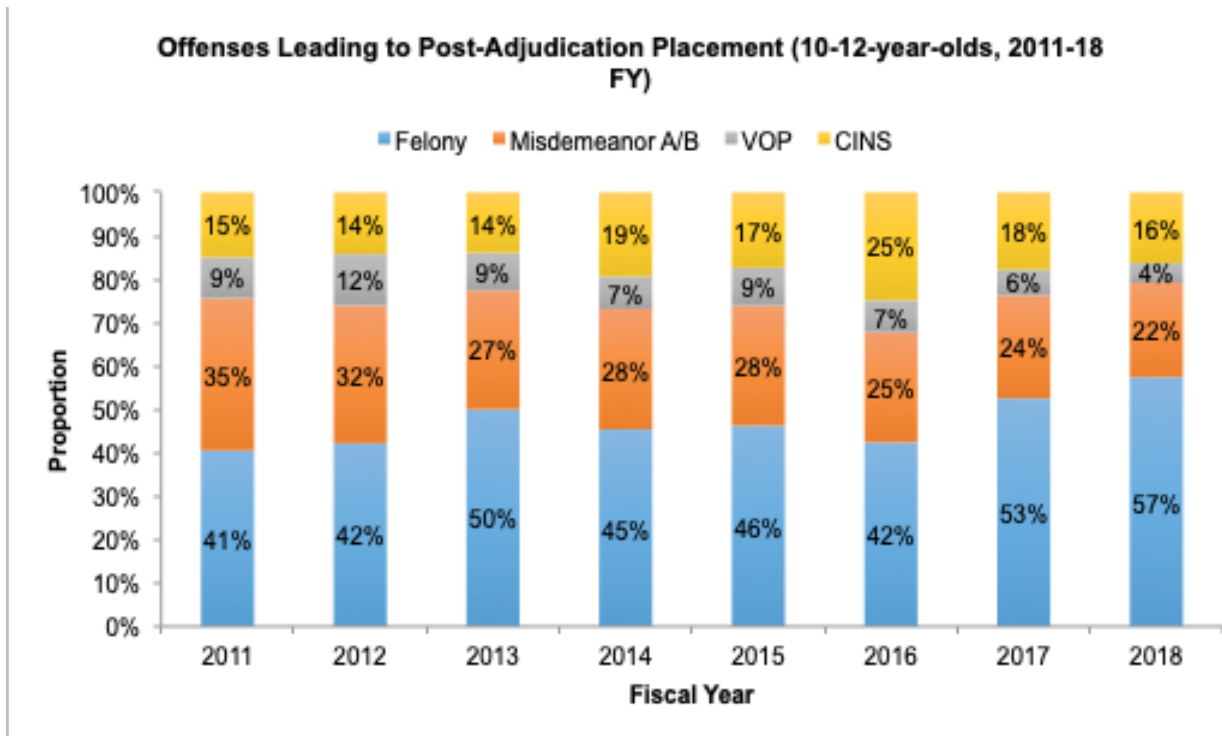


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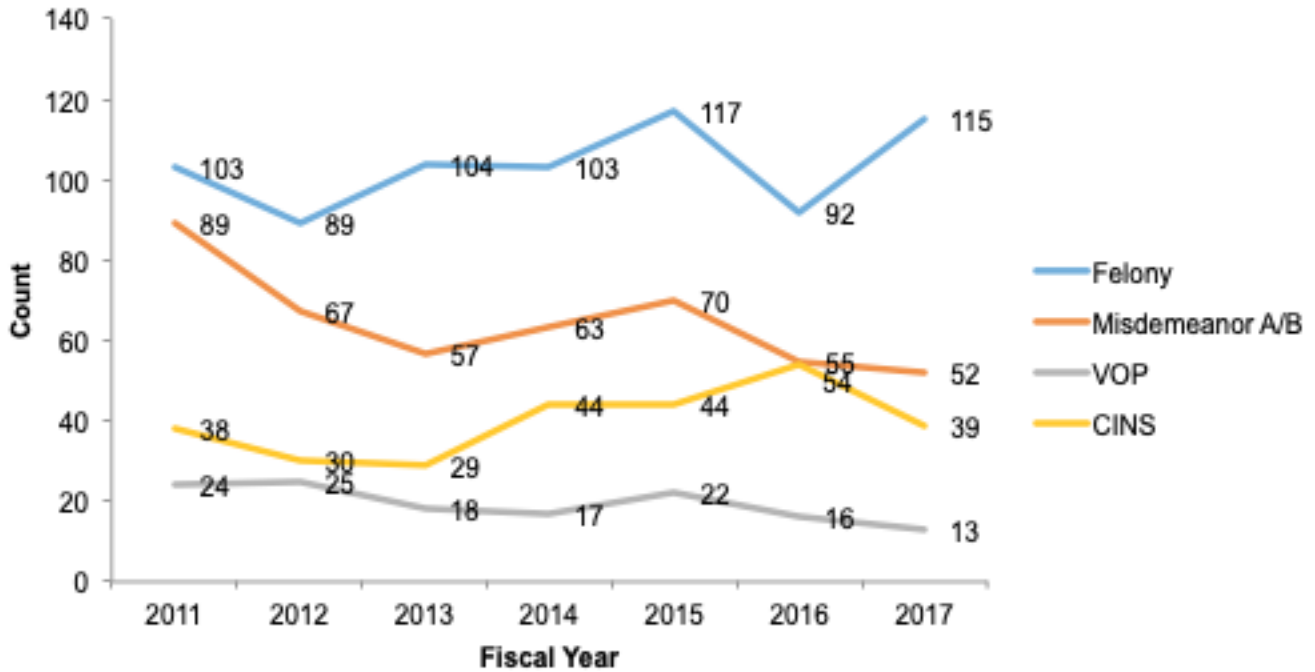
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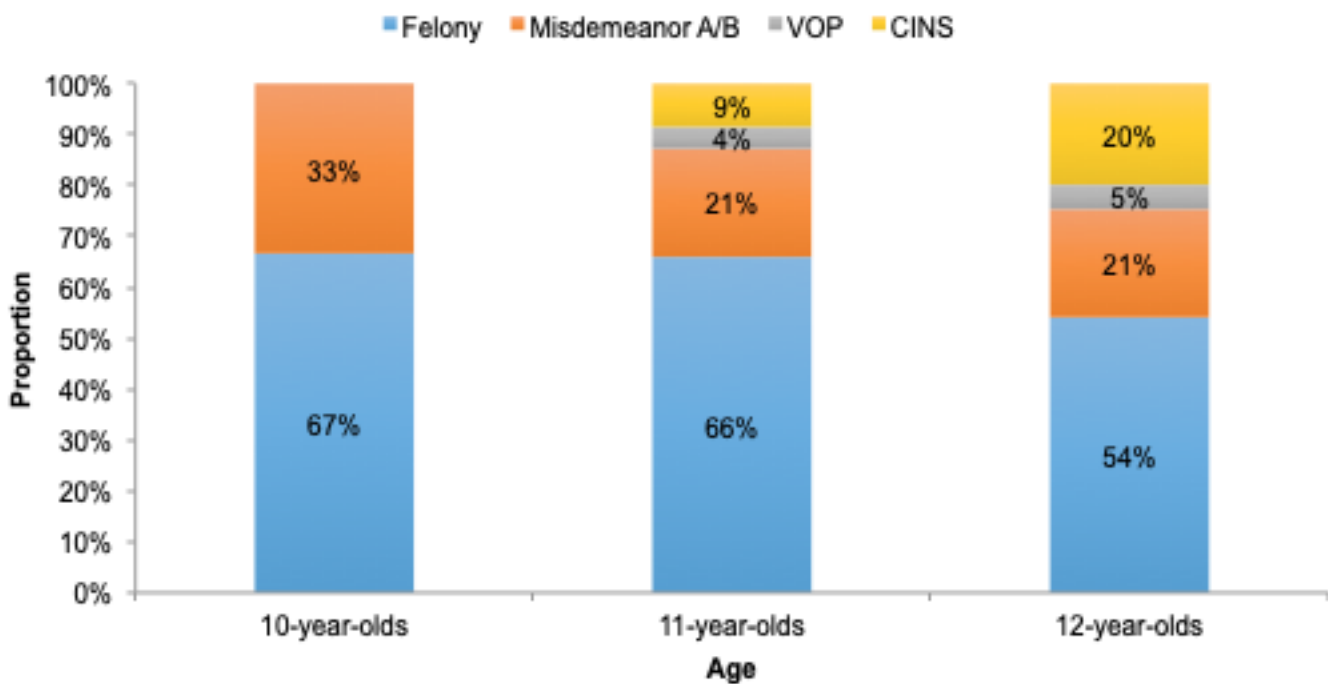
Offense. Most 10- to 12-year-olds were in post-adjudication placements for a felony offense (57%). From 2011-2018, there was a 51% decrease in placements for Class A or B misdemeanor offenses, a 63% decrease in placements for violations of probation, and a 13% decrease in placements for CINS offenses. There was a 13% increase in placements for felony offenses from 2011 to 2018.



Offenses Leading to Post-Adjudication Placement (10-12-year-olds, 2011-2018 FY)



Offenses Leading to Post-Adjudication Placement by Age (2018 FY)



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County. Dallas County had the highest number of 10- to 12-year-olds in post-adjudication placements, accounting for 28% of all 10- to 12-year-olds in placements.

Top Counties with the Highest Number of 10- to 12-year-olds in Post-Adjudication Placements (2018 FY)

Rank	County	Count (%)*
1	Dallas	57 (28%)
2	Harris	21 (10%)
3	Bexar	15 (7%)
4	Hidalgo	11 (5%)
5	Collin	8 (4%)
6	Potter	6 (3%)
7	El Paso	5 (2%)
7	Lubbock	5 (2%)
8	Cameron	4 (2%)
8	Tarrant	4 (2%)
8	Williamson	4 (2%)

*Percentage calculated out of 202 10- to 12-year-olds in placements in 2018

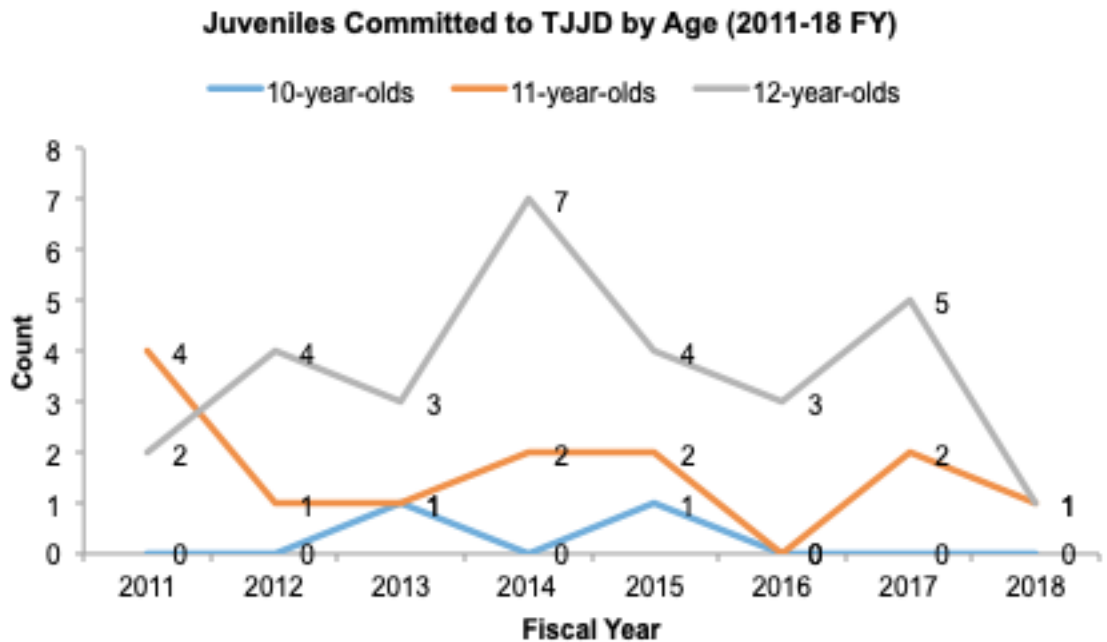


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Commitments

In 2018, of the 748 youth committed to TJJJ, only two were aged 10-12. From 2011-2018, there were only 44 youth aged 10-12 that were committed to TJJJ, accounting for just 1% of all youth committed to TJJJ in that time frame. There was a 67% decrease in 10- to 12-year-old youth committed from 2011.



Of the two youth committed in 2018, both were White males. Neither had any mental health needs or were special education students. Additionally, both youth were committed for property offenses. The two youth were from Lamar County and Hardin County.

Of the 44 youth committed to TJJJ from 2011-2018, most were from Smith County, accounting for 14% of all commitments for youth aged 10-12. In total, 27 counties committed youth aged 10-12 to TJJJ.

Policy Recommendations

Young children do not belong in the juvenile setting. Texas should instead embrace a developmentally appropriate approach to address these youth.



Raise the lower age of juvenile jurisdiction to 13.



Provide funding for these youth to be served outside the juvenile setting.

ⁱ Grisso, T., Steinberg, L., Woolard, J. et al. *Law Hum Behav* (2003) 27: 333. <https://doi.org/10.1023/A:1024065015717>

ⁱⁱ The Council of State Governments (CSG), “Closer to Home: An analysis of the state and local impact of the Texas juvenile justice reforms,” (2015). <https://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>

ⁱⁱⁱ Juvenile population data taken from: Puzzanchera, C., Sladky, A., and Kang, W. (2018) “Easy Access to Juvenile Populations: 1990-2017”. Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

^{iv} *Id*



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